

## REMARKS

Claims 3-10 are pending in the application. Claims 3 and 7 have been amended. Support for the amendment can be found on page 10, line 12-13, which describes that the mask is removed and on page 12, line 20 to page 13, line 14, which describe the manner in which the mask is removed. Applicants note that the two described methods do not have a heat treatment and include either a lift off method or a spin etcher method, with the spin etcher method being the preferred method. See MPEP 2173.05(i) (stating that a literal statement for the negative limitation is not required); see *In Ex parte Kenneth E. Sturling Jr. and Brian J. Love*, 1995 WL 1696871, \*2 (Bd. Pat. App. & Inter. 1995) (holding that although the disclosure is silent as to the use of heat, it can reasonably be said that appellants' silence would have disclosed to one of ordinary skill in the art that the dental adhesive would have been "curable in the absence of heat"). Applicants respectfully request reconsideration in view of the amendment and remarks.

Claim 3, 6-7, and 10 stand rejected under 35 U.S.C. §102(c) as being anticipated by Kawasaki et al. (US 6,424,012) ("Kawasaki"). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the \* \* \* claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 3, 6-7, and 10 include the following limitation: "removing said mask without performing heat treatment." Kawasaki does not teach or suggest that limitations.

Kawasaki discloses removal of a channel stopper; however, such removal of a channel protection film is performed after sequentially carrying out doping of impurities, activation of the impurities by thermal annealing, and hydrogenation by heat treatment, in that order. In Kawasaki, a plurality of heat treatment processes are provided between doping of impurities and removal of a protection of a protection film. When a heat treatment is performed, the concentration of impurities in the layers cannot achieve the low concentrations obtained when heat treatment is not used. Accordingly, Kawasaki does not

teach or suggest removal of the mask without heat treatment. Applicants respectfully request that the rejection as to claims 3, 6-7, and 10 be withdrawn.

Claim 3 stands rejected under 35 U.S.C. §102(a) as being anticipated by Applicants' Admitted Prior Art. Claim 3 has been amended to include the following limitation: "wherein said interlayer insulation film directly contacts said semiconductor layer in a part above said gate electrode." Applicants' Admitted Prior Art does not teach or suggest that limitation since the ion stopper 55 is located between the interlayer insulation film and the semiconductor layer at the gate electrode. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection as to claim 3.

Claims 4-5 and 8-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawasaki in view of Tsai et al. (US 5,814,530) ("Tsai"). For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988).

Claims 4 and 5 include all of the limitations of claim 3 and claims 8 and 9 include all of the limitations of claim 7. Thus, as discussed above, Kawasaki does not teach or suggest all of the limitations of claims 4-5 and 8-9 and Tsai does not remedy the deficiencies. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection as to claims 8 and 9.

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

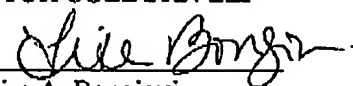
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10/008,389

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By:

  
Lisa A. Bongiovi

Registration No. 48,933

CANTOR COLBURN LLP

55 Griffin Road South

Bloomfield, CT 06002

Telephone (860) 286-2929

Facsimile (860) 286-0115

Customer No. 23413

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